

**MINUTES
CITY PLANNING COMMISSION
MAY 11, 2004**

1. CALL TO ORDER- Cleaveland called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members Present: Bragg, Carlon, Cleaveland, Gronstal, Johns, Milford, VanHouten and White
Absent: Hartman, Hensley and Schoeppner
Staff: Malmquist, Schroder and Wade

3. ADOPTION OF AGENDA

Motion by Carlon, second by Van Houten to amend the agenda by moving Item D. to the first public hearing.
Motion carried by unanimous voice vote.

Malmquist announced that CASE #ZC-04-006 was withdrawn by applicant.

4. APPROVAL-MINUTES OF THE APRIL 13, 2004 MEETING

Motion by Milford, second by Bragg to approve the minutes as written. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION- Schroder

6. REVIEW OF MEETING PROCEDURES- Cleaveland

7. PUBLIC HEARINGS

D. Public hearing on the request of Debra Danielson for the neighborhood to:

1. Rezone from R-2 to R-1: Lots 1 through 11, Block 1, Jackson's Addition; the west 155 feet of part of Out Lot 1, Jackson's Addition lying north of High School Avenue; all of Folsom Place; the north 48.75 feet of Lot 1 and the south 69.75 feet of Lot 1 and the south 60 feet of the west 50 feet of Lot 3, except south 23.66 feet of the west 35.14 feet, Referee's Subdivision of part of Out Lot 1, Jackson's Addition; Lots 1-8, Block 2, Jackson's Addition and 7.416 feet strip abutting north side of Lot 1; Lots 1 through 12 and Lots 16, 17, 20, Auditor's Subdivision of part of Out Lots 2 and 3, Jackson's Addition; Lots 1 through 8, Block 6, Jackson's Addition; all of J. W. Squire's Subdivision of part of Out Lot 5, Jackson's Addition; Out Lot 4 Jackson's Addition; Blocks 1 and 2, Turley and White Subdivision; Lots 1 through 4, Mary E. Street's Subdivision of Out Lot 4, Jackson's Addition; Lots 2 through 4, Auditor's Subdivision of Out Lot 5, Jackson's Addition; west ½ of Lots 1 and 2, Out Lot Folsom and the west 203.5 feet of Lot 13, Out Lot Turley and 8.7 foot strip adjacent on the north; the west 5 feet of the Lot 2 and all of Lots 3, 4, 7, 8 and 9, Auditor's Subdivision of Out Lot Turley and all of Auditor Subdivision of Lots 5 and 6, Auditor's Subdivision of Out Lot Turley; all of John Keller's Subdivision of Lots 9, 10, 11 and part of Lot 12, Keller's Subdivision of Original Plat Lot 175; Lots 4 and 5, Original Plat Lot 232 and Lots 3 and 4, Original Plat Lot 231.
2. Rezone from R-3 to R-1: Lots 1 through 12, Turley Subdivision of Out Lot 7, Jackson's Addition; Lots 1 through 16, Block 7, Jackson's Addition; Lot 1, Block 12, Jackson's Addition; Lots 1 through 3, Block 8, Jackson's Addition; the north 77 feet of the west 300 feet of Out Lot 8, SW¼ NE¼ of Section 36-75-44; the west 200 feet of Out Lot 6, SW¼ NE¼ of Section 36-75-44.
3. Rezone from A-P to R-1: The north 50 feet of Lot 13, Auditor's Subdivision of Out Lots 2 and 3, Jackson's Addition; Lot 9, Block 2, Jackson's Addition.

Location: Generally described as an area including Bluff Street and 3rd Street between Worth Street and Willow Avenue.

White announced that she would abstain.

Debra Danielson, 332 Willow Avenue, stated that she objected to being tape recorded and that someone in the room had a recording device. Wade said that it was a public hearing and that recording was not prohibited.

Danielson stated that she was in favor of the rezoning and the text amendment. She asked all members of the audience who were in favor of the rezoning to stand. Several members of the audience stood. She stated that the petition she circulated indicated that 70% of the property owners were in favor of the down zoning. The residents were concerned with living conditions in the area. She said they were not trying to remove the existing multi-family uses, but that they were trying to prevent landlords from converting more structures into multi-family uses or three-quarter way houses. They do not want any more homes converted into duplexes. The streets are narrow and they have concerns with adequate off-street parking. She said that recently two large homes have been converted into duplexes and an Oxford House. Their goal is to remove slum and blight from the area. She stated that the proposed rezoning is not intended to address code enforcement issues and it should not be confused with the proposed historic district. Danielsen said that she also requested a text amendment to prohibit family homes. People do not feel safe in their neighborhood because of boarding houses. They want to reduce the density and protect the character of the neighborhood. Malmquist stated that there was not a request for a text amendment in front of the Planning Commission for consideration. Wade said that a text amendment to prohibit family homes would depend largely on the legal issues. Family homes are permitted in many instances as a matter of state law.

Danielson addressed some of the comments included in the staff report. Item 1, she said that much comprehensive study had already been done in the area, including the Downtown Redevelopment Plan as well as a special plan developed by Marty Shukert with the Community Development Department. The plan goes into detail even discussing siding types and other features of redevelopment so as to fit into the historic character of the area. She stated that the only way to protect the historic character was to disallow the conversion of any more structures into multi-family uses. She said that several presidents have visited the area including George Bush. Tour buses go through the Dodge House area daily. Other notable visitors include Henry Fonda. She stated that she has invested a significant amount of money into her home. Residents want to make the neighborhood a better place. She understands that zoning is not the exclusive answer to all the neighborhood's issues. But that it is the first step in a larger picture.

Danielson said that the proposed boundaries are not arbitrary, that professional historians have identified the area and developed the boundaries of the area. She quoted from page 'i' of the Intensive Level Historic Survey for the Bluff/Willow/Third Street area. The professionals did look at a larger area, but then excluded some of the area which included high density residential and commercial uses. The area was considered significant in three areas: architecture, critical persons and important events.

Danielson said referring to the plan done by Marty Shukert, that traffic volumes are 7,000-8,000 vehicles per day. Generally, the area should increase the amount of owner occupied housing and support public improvements and investment. Down zoning is one such support. She said that the goal is to reduce density in the neighborhood and to address code enforcement and maintenance issues separately.

Carlton asked about the text amendment Danielson mentioned. Danielson said it is to remove uses like the Oxford House. Malmquist said that there was no request for a text amendment. Danielson said it was included in her letter requesting rezoning. Malmquist read the letter, which talked about eliminating group homes, but did not request a text amendment. She said that a text amendment is a very precise request to propose new text or to remove text from specific chapters of the Zoning Ordinance. Wade said that there was no text amendment on the agenda, only a request to rezone property. Carlton said he was not aware that a use such as an Oxford House could be removed with a text amendment.

Danielson said she wants to work with the City on the issue, and that there should be a moratorium on the uses until the matter can be resolved. She wants something to happen before more such uses show up in their neighborhood. Wade said he was approached by an attorney about the issue. He made the research conducted by

the City Attorney's office on the matter available to that attorney. He said that he has not received a response. He suggested that there are federal and state law issues which have to be considered.

Danielson said that the person who owns the Oxford House has done similar things in Lincoln, Nebraska. She requested a moratorium on Oxford Houses and group homes and a text amendment to prohibit their operation in a single family neighborhood. She said that the moratorium is necessary to prevent a second home in the area from becoming an Oxford House. She said it is unfair to those that have worked so hard to maintain their property.

Danielson said that only two properties would become non-conforming. Schroder clarified that statement from the staff report that Danielson was referring to.

Carlton said that it seemed the issue was the Oxford House. Danielson disagreed saying that the issue was density and that they did not want properties further converted.

Dennis McCulley, 102 South Third Street, is in support of the requested rezoning. He said that he owned the property where the Oxford House was located. He supplied a packet of information regarding Oxford Houses to the Planning Commission. He said that he is not a slum landlord. He said that the statements made regarding Lincoln were unfair and that he may need to proceed with legal action. He has moved to 102 South Third Street because of the traffic conditions on Bluff Street. He said that hurt his foot and has been unable to finish painting the property at 203 Bluff Street. He said that he believes the use is beneficial to the neighborhood. He went on to say that his property in Lincoln had been approved by the City Council as a bed and breakfast.

Roland Lynch, 216 Bluff Street, is in favor of the requested rezoning. He said that his house is 102 years old and that he is in the process of restoring it. He made comments about work of the Neighborhood Development Corporation in Des Moines. He said that a single family uses will help to stabilize the neighborhood and increase the tax base.

Joanie Mitchel, 217 Bluff Street, stated that she was in favor of the rezoning. She said that the internet promotes the community as historically significant with information about the General Dodge House. She read an excerpt from the web site. She said that there should be pride in history and that people have worked hard to invest time and money into the area. She said however that the area has become overrun with un-maintained historic properties. She said that she supports prohibiting boarding houses. She said she is not comfortable in her own home. She said if it continues, property values will decline and people will not invest in their properties. Private citizens and the City should work together.

Larry Wilcoxon, 36 Bluff Street and also 231 Bluff Street said that parking is a major issue in the area. He believes that R-1 zoning will help eliminate the problem by prohibiting the conversion of more homes. He wants the area to be retained as a historic single family area.

Liz Mates, 203 Turley Avenue, said that she lives with her elderly mother. She said that she has never been afraid to walk alone or let her daughter play in the neighborhood, but she is now. She said that the City should celebrate Pride Week and what the area has to offer. She said that the area needs to be down zoned to protect their investment.

Suzanne Winter, 201 South Third Street, said that she supports the rezoning. She said that the neighborhood has had to spend time and effort defending their property values while taxes continue to increase. She said that six years ago they had to sue the city regarding a boarding house in the area. She said that the judge ruled in favor of the neighborhood and read excerpts from the opinion. The judge said that the city should be more helpful and more customer friendly. She said that she sees little difference between the boarding house and the Oxford House; the people are still unrelated. She said that the tenants have verbally accosted people in the neighborhood.

Kori Nielsen, 605 Third Street, said she works at the Dodge House. She supports the rezoning. She said that she conducts bus tours with the Chamber of Commerce throughout the area often. People have commented on the surrounding area and how they can see fire escapes on the older homes that have been converted.

Patricia Murphy, 333 Willow Avenue, said that she is in favor of the rezoning. She said she doesn't think that it is fair that the residents had to pay for the previous lawsuit. She doesn't understand why they have to keep fighting the long drawn out process. She said that they use to find trash and other things lying in the street. She hasn't seen it get that been in the case of the Oxford House yet, but noted that it has not been there very long. She said they have spent a lot of time and money to maintain their property.

Sarah Reiff, 125 Third Street, said that she agrees with what has been said. She said the down zoning is good for Council Bluffs and the historic nature of the neighborhood. The down zoning will remove blight from the area and will directly benefit downtown. She said that there have been trends of single family use to multi-family and now back to single family again. She said now they are asking for the zoning to be changed back. She said that Lincoln enforced their zoning code and got the Oxford House out.

Michael Abraham, 332 Willow Avenue, said that they own multi-family property also. The use will not be forced to go away. He said that by down zoning, the area will be protected from new multi-family uses. He is not making a statement that all landlords are slum landlords. He said there is an expected cost to properly maintain any house with 3,000 square feet of finished space. He made reference to the city website and the role of the Planning Commission to take a comprehensive view of issues. He referenced the goals listed on page 8 of the Downtown Redevelopment Plan. The condition of the surrounding neighborhood was ranked as the number 4 weakness. He understands the need for affordable housing and the need to work with HUD. He said the Vision 21 Plan calls for close cooperation with neighborhoods near downtown, because the downtown depends on the surrounding neighborhoods. He said that there has been staff support on past issues.

Carlton commented that the zoning of a neighborhood does not equal the quality of the neighborhood. He also questioned the feasibility of larger older homes to be affordable to be kept in single family residential use. He commented on past social and economic trends.

Abraham said that a lot of people come to the historic area. Abraham said that past trends have gotten the neighborhood to its current state. He said that in 2004, things have changed and people are interested in the historic properties again. He said that 70% of the neighborhood wants the change and its time to look to the future.

William Dahlbeck, 135 South Third Street, said that the City often does not realize what it has until it is too late. He said that the first time the General Dodge House was offered to the City Council they did not accept it. Luckily they were able to get the property and most of the furnishings back. If the area is not protected, it cannot go back to the historic charm. Bus visitors can tell that the houses have been converted. He said that he also hopes the street is put back to bricks.

Rozlyn Broniecki, 304 Willow Avenue, said she is one of the area's newest residents. They have lived in the area for one year. They decided to invest in Council Bluffs because of all of the progressive planning issues in the news. She moved from a multi-family neighborhood with 37 group homes because they wanted something better for their family. She said that sadly their attitudes have changed. She said that cars parked on the street get broken into and that her children have seen syringes on the lawn. She asked the Planning Commission to please down zone the property.

Rich Stoufer, 6 West Ridge Drive, is opposed to the rezoning. He has lived in the community for 57 years and is the fifth generation to own property at 102 Bluff Street. He said that he charges \$325/month for rent and provides off-street parking. He is directly offended by the boundaries of the rezoning. They seem to not include some of the densest multi-family conversions in the Bluff Street neighborhood, yet include his. He said that 102 Bluff Street was built as a duplex and has never been a single family home. He opposed the first down zoning and is now adamantly opposed. He agreed that the zoning does not make the neighborhood bad. He said that historic property owners should not have their properties singled out. He cannot make any major renovations to the property because one of them is already non-conforming, as a result of the first down zoning. He is offended that people believe if you support the rezoning you are a good neighbor, but if you oppose it you are a bad neighbor.

Dan Angerth, 218 Turley Avenue, said that there are many nice, large older homes in the area that have been converted and you couldn't tell the difference. He agrees to some degree with the down zoning, but asked specific questions about the nonconformities regulations. Wade explained the main regulations of a legal non-conforming use.

Carlton said that many of the issues which have been raised deal with other enforcement issues, not zoning. He understands the need for maintenance and said he can see both sides of the issue.

Doug Goodman, 17341 Turnbury Way, said that he is opposed to the rezoning. He owns property with Rich Stoufer at 102 and 40 Bluff Street. He said that it appears the neighborhood is trying to control other issues with zoning. He questioned the boundaries on the east side of Bluff Street. He asked what the difference was between properties on the west side of the street and properties on the east side of the street. He said that 20% in opposition still represents a significant number of property owners that need to be considered. He has concerns about a decline in property value if the area is down zoned. He said that they have long term tenants. He recommended that someone re-examine the boundaries of the proposed rezoning.

Roger Wahl, 20585 Greenview Road, said that everybody needs a place to live. He said that many people couldn't afford new 'low rent' apartments. People say they think affordable housing is good as long as it is not in their backyards. He said there is a need for off-street parking in the area. He said that an ordinance limiting the proximity of group homes to one another may be an option, preventing a cluster of group homes in a single area. He also said that the issues with crime could be better provided by more police protection. He said he was not knocking the police.

Stephen Welch, representing Sean and Kathy Thomsen who own property at 525 Bluff Street, said that his clients are opposed to the rezoning.

Kathy Thomsen said that they were opposed the first time the property was down zoned. She was shocked that they got another letter a year later proposing to further down zone the property.

Welch asked if the Commission had correctly advertised the public hearing, by posting signs around the proposed rezoning area. He also quoted from an ordinance. Malmquist said that he must be using an out of date ordinance, because the requirement to post signs was removed several years ago. Welch said it was a 2004 ordinance.

Cleaveland closed the public comment portion of the public hearing.

Carlton directed a question to Danielson. He asked how she justified the proposed boundaries. Danielson said they were set by the historic survey. Milford said that zoning has no impact on any proposed historic district. Danielson agreed that they are completely separate.

Cleaveland asked Malmquist how the boundaries were determined. Malmquist said the boundaries are identified per the applicant's request. The Community Development Department did not adjust them.

Art Bartel, 116 Third Street, asked under what circumstance could multi-family uses continue. Carlton asked Wade to explain. Wade explained the nonconforming use regulations.

Thomsen asked how many people would want to buy property with that kind of risk. Stoufer said that a terrible cloud has been put over multi-family properties. He said he does not want to continually return to the Planning Commission to defend his property.

Danielson said that the multi-family property she bought was not quality. It had hacked up floor joists, wiring that had been spliced and plastered over, sewer leaks and had several code violations. So she pointed out that although some landlords do keep their properties up, not all do. She added that everyone's investment is

protected if they adequately insure their properties. She said it should not be this difficult to live in a neighborhood.

McCulley said that he was able to buy the property at 203 Bluff because it was down zoned. The property would be too costly if zoned R-3.

PLANNING COMMISSION ACTION

Motion by VanHouten second by Carlton to recommend denial of the proposed rezoning for the reasons as stated in the staff report.

Carlton said that this case is one of the most difficult he has had to consider. He said that he believes that zoning does not equal a quality neighborhood. Crime and other issues raised are not directly related to zoning.

VOTE : AYE- Bragg, Carlton, Cleaveland, Gronstal, Milford and VanHouten. NAY- Johns. ABSTAIN- White. ABSENT- Hartman, Hensley and Schoeppner. Motion carried.

Carlton requested a ten minute recess. Cleaveland announced the recess.

Cleaveland reconvened the meeting at 9:00 PM.

A. CASE #SAV-04-001: Public hearing on the request of the Community Development Department to vacate the following right-of-way: South 9th Street right-of-way abutting Block 50 and Block 51, Riddle's Subdivision; South 10th Street right-of-way abutting Block 49 and Block 50, Riddle's Subdivision; South 11th Street right-of-way abutting Block 48 and Block 49, Riddle's Subdivision; South 12th Street right-of-way abutting Block 47 and Block 48, Riddle's Subdivision; the east/west alley located in Block 47, Riddle's Subdivision; the east/west alley located in Block 48, Riddle's Subdivision; the east/west alley located in Block 49, Riddle's Subdivision; the east/west alley located in Block 50, Riddle's Subdivision; the east/west alley located in Block 51, Riddle's Subdivision. Location: East/west alleys extending from South 8th Street to South 13th Street and the right-of-way of South 9th, South 10th, South 11th and South 12th Streets from 14th Avenue right-of-way to 13th Avenue railroad right-of-way.

Malmquist explained that the vacations were necessary to assemble property which will be re-platted by the city for home construction. She explained the proximity of the vacations to the Sunset Park North, Phase I subdivision.

Carlton asked if there would be public access to the pedestrian trail and which entity would be responsible for the maintenance. Malmquist said the trail would be retained by the City. Malmquist said the City owned the majority of the property in the area and that it was in the process of acquiring the parcels which were still privately owned.

Carlton said he had concerns with drainage issues prior to subdividing. Malmquist said it would be properly engineered at the time of subdivision review.

PLANNING COMMISSION ACTION

Motion by Milford, second by Bragg to recommend vacation of the following rights-of-way and conveyance to the City at no cost:

South 9th Street right-of-way abutting Block 50 and Block 51, Riddle's Subdivision; South 10th Street right-of-way abutting Block 49 and Block 50, Riddle's Subdivision; South 11th Street right-of-way abutting Block 48 and Block 49, Riddle's Subdivision; South 12th Street right-of-way abutting Block 47 and Block 48, Riddle's Subdivision; the east/west alley located in Block 47, Riddle's Subdivision; the east/west alley located in Block 48,

Riddle's Subdivision; the east/west alley located in Block 49, Riddle's Subdivision; the east/west alley located in Block 50, Riddle's Subdivision; the east/west alley located in Block 51, Riddle's Subdivision.

VOTE: AYE- Bragg, Carlon, Cleaveland, Gronstal, Johns, Milford, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman, Hensley and Schoeppner. Motion carried.

B. CASE #SAV-04-002: Public hearing on the request of the Community Housing Investment Corporation to vacate 17th Avenue right-of-way abutting Blocks 5 and 12, Howard's Addition. Location: 17th Avenue between South 11th Street and South 12th Street.

Joe Kueper, representing the Community Housing Investment Corporation said the project would result in construction of two new homes and would continue their on-going progress to remove blight. The proposed area is adjacent to Malloy's Subdivision.

Scott Belt, said that Don Jones had voiced concerns to him prior to the meeting, but had to leave after the agenda was amended. He stated that Jones had concerns that CHIC was not going to go through with the project, because they did not have the funding to purchase the property. He relayed the Jones did not want to give up any property rights concerning the proposed street vacation.

Schroder said that no comments had been received by Jones prior to the meeting.

PLANNING COMMISSION ACTION

Motion by Carlon second by VanHouten to recommend approval of the proposed vacation of that part of 17th Avenue abutting Blocks 5 and 12, Howard's Addition and Malloy Subdivision, except former railroad right-of-way, located between South 11th Street and South 12th Street right-of-way, and conveyance of the right-of-way east of the former railroad right-of-way, as stated above, to the Community Housing Investment Corporation at no cost subject to the following conditions:

1. That CHIC acquires the property to the north as identified in the purchase agreement with Donald and Carol Jones.
2. All of the vacated 17th Avenue right-of-way between the former railroad right-of-way and 11th Street is conveyed to CHIC.
3. All of Block 5, Howard's Addition shall be re-platted, including property not owned by CHIC. A survey shall be done in combination with the re-plat to establish the northeasterly line of the former railroad right-of-way included in the vacation.
4. At the time of subdivision (re-platting) the overhead electric line shall be relocated, curb and gutter and sidewalk shall be installed.

VOTE: AYE- Bragg, Carlon, Cleaveland, Gronstal, Johns, Milford, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman, Hensley and Schoeppner. Motion carried.

C. CASE #ZC-04-004: Public hearing on the request of the Community Development Department to rezone Block 16 (except the north 80' of Lot 1 and the north 80' of the east 22' of Lot 2) and the north ½ of Block 17, Grimes Addition from I-1/Light Industrial to A-2/Parks, Estates and Agricultural. Location: Between North 10th and North 11th Streets from Creek Top to Avenue B.

Malmquist stated that the City owns the property under consideration. She said that the area is part of the Mid City Corridor that will be considered later as an urban renewal area. She said the property is currently zoned light industrial. The property will be kept in open space until such time as there is a viable redevelopment project for the area that would have to be consistent with the surroundings.

Carlon asked if a person could start a chicken ranch in the A-2 district. Malmquist said they could, but that the city owns this property. Milford asked if animal production is prohibited inside the City. Wade said it is

restricted, not prohibited. He noted that there are several acres of ground in agricultural production located within the city.

Gronstal asked if there was any sort of environmental concerns with the property proposed for rezoning. Malmquist said that any environmental contamination would have to be mitigated. Wade said there are environmental reviews underway.

Len Knudsen, representing Future Foam, 502 South 51st Street, Omaha, NE, said that Future Foam operates several sites throughout Council Bluffs and that one of their properties is adjacent to Avenue 'B' in this area. He is concerned that once access is lost at Avenue 'G' truck traffic will increase in this area.

Wade said the rezoning does not affect truck traffic. Most of the re-routing should be addressed through the Public Works Department.

Knudsen said he was concerned with the increased truck traffic adjacent to park uses.

PLANNING COMMISSION ACTION

Motion by VanHouten, second by Milford to recommend rezoning Block 16 (except the North 80 feet of Lot 1 and the North 80 feet of the East 22 feet of Lot 2) and the North ½ of Block 17, Grimes Addition from I-1/Light Industrial to A-2/Parks, Estates and Agricultural.

VOTE: AYE- Bragg, Carlon, Cleaveland, Gronstal, Johns, Milford, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman, Hensley and Schoeppner. Motion carried.

E. CASE #URN-04-002: Public hearing on the request of the City of Council Bluffs to create the Mid City Corridor Urban Renewal Area and adopt the required plan for the 36 block area legally described as: beginning at the intersection of the centerline of Avenue 'G' and the centerline of 10th Street; south along the centerline of 10th Street to the centerline of 5th Avenue; west along said 5th Avenue to the centerline of Indian Creek; thence north and northeasterly along said centerline of Indian Creek to the centerline of 13th Street; thence north along said centerline of 13th Street to the centerline of Avenue 'A'; thence west along said centerline of Avenue 'A' to the west line of Lot 13 Block 11, Beer's Subdivision extended; thence north along said west line to the northwest corner of said Lot 13; thence east along the north line of Lots 13 and 14, Block 11, Beer's Subdivision extended to the centerline of North 13th Street; thence north along said centerline of the North 13th Street to the centerline of Avenue 'G'; thence east along the said centerline of Avenue 'G' to the centerline of 10th Street and the point of beginning. Location: From 10th Street to Indian Creek between Avenue 'G' and 5th Avenue.

Cleaveland asked Schroder to enter the caption into the record.

Malmquist said the adoption of an urban renewal area would allow flexibility in making improvements to the area and make certain types of financing available. Malmquist said no one attended the consultation hearing.

Knudsen said that Future Foam has started acquiring houses in the surrounding area.

Carlon asked about the nonconformities map included in the plan. Malmquist explained that they are existing nonconforming uses.

PLANNING COMMISSION ACTION

Motion by Milford, second by Gronstal to recommend creating the MidCity Corridor Urban Renewal Area and adopt the required plan, as presented.

VOTE: AYE- Bragg, Carlon, Cleaveland, Gronstal, Johns, Milford, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman, Hensley and Schoeppner. Motion carried.

F. CASE #URN-04-003: Public hearing on the request of the City of Council Bluffs to create 23rd Avenue Urban Renewal Area and adopt the required plan for the area legally described as: all of Blocks 4 through 11, 18 through 21, 25, 32 through 39, 46 through 53, 60 through 67, 74 through 81, 88 through 95, Railroad Addition, Lots 1 through 32, Coy Subdivision, Lots 1 through 6, Thallas Subdivision, Lots 1 through 14, Wyatt Subdivision and including all alleys and right-of-way located therein, City of Council Bluffs, Pottawattamie County, Iowa. Location: From Indian Creek to South 22nd Street extending from ½ block north of 23rd Avenue to I-80/I-29 right-of-way.

Malmquist explained that the plan is a guidance document regarding public utilities, paving and storm sewer.

Milford said he would recommend a buffer between the interstate and private property, so that future residents would not request a sound barrier. Cleaveland stated that often times the noise barrier detracts from property values.

Malmquist acknowledged that the Community Development Department intern Beth Cunard prepared the urban renewal plan.

PLANNING COMMISSION ACTION

Motion by Carlton second by Gronstal to recommend creation of the 23rd Avenue Urban Renewal Area and adopt the required plan, as presented.

VOTE: AYE- Bragg, Carlton, Cleaveland, Gronstal, Johns, Milford, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman, Hensley and Schoeppner. Motion carried.

8. OTHER BUSINESS

A. Extension of time-final plat approval- Euclid Heights

Milford stated that he hopes the developer maintains proper erosion control. Carlton said he appreciated the Public Works Department working cooperatively with the developer to resolve the area drainage problem.

PLANNING COMMISSION ACTION

Motion by VanHouten, second by Bragg to grant an extension of time for receipt of the application for final plat approval for Euclid Heights Subdivision to March 9, 2005.

VOTE: AYE- Bragg, Carlton, Cleaveland, Gronstal, Johns, Milford, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman, Hensley and Schoeppner. Motion carried.

B. Extension of time- final plat approval- The Hills of Cedar Creek

Malmquist stated that the preliminary plan expired March 21, 2004. She said that the Council will need to set another public hearing to confirm the preliminary plan. She said that it is a major project and that the developer has been moving forward.

PLANNING COMMISSION ACTION

Motion by Carlton second by Bragg to grant an extension of time for receipt of the application for final plat approval for Phase I of The Hills of Cedar Creek Subdivision to June 1, 2005 and to recommend that the City Council confirm preliminary plan approval.

VOTE: AYE- Bragg, Carlon, Cleaveland, Gronstal, Johns, Milford, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Hartman, Hensley and Schoeppner. Motion carried.

C. Vacancy – Enterprise Zone Commission

Malmquist explained that there was a vacancy on the Enterprise Zone Commission. By state law a Planning Commissioner must serve on the commission. The resignation of Janet Reiners from the Planning Commission caused a vacancy which will need to be filled.

Cleaveland asked for volunteers to serve on the Commission. Carlon suggested that Milford would be a good addition to the Enterprise Zone Commission.

D. City Council Update.

Malmquist gave an update on the proposed commercial center planned for Valley View Drive near Frontier Bank.

E. Other items of interest – None.

9. ADJOURNMENT- Cleaveland adjourned the meeting at 9:50 p.m.